

TROUTMAN SANDERS LLP  
David J. Sheehan (DS 4818)  
Clement H. Berne (CB 3579)  
The Legal Center  
One Riverfront Plaza  
Newark, New Jersey 07102  
(973) 645-0772

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

-----X  
ALEXANDRIA ELIAS, ROXANNE SCHER, :  
DOLORES BAEZ and JENNIFER TOSI, :  
on behalf of themselves and all others :  
similarly situated, :  
:

Plaintiffs,

-against-

UNGAR'S FOOD PRODUCTS, INC., :  
d/b/a DR. PRAEGER'S SENSIBLE FOODS :  
and SENSIBLE FOODS LLC d/b/a, :  
DR. PRAEGER'S SENSIBLE FOODS, :

Defendants. :

Civil Action No.:  
2:06-cv-02448-KSH-PS

NOTICE OF MOTION  
FOR CLASS  
CERTIFICATION

-----X  
PLEASE TAKE NOTICE that upon the annexed declaration of Matthew J. Aaronson,  
dated May 16, 2007, the accompanying Memorandum of Law, and upon all prior proceedings  
had herein, plaintiffs Alexandria Elias, Roxanne Scher, Dolores Baez and Jennifer Tosi will  
move this Court before the Honorable Katherine S. Hayden, United States District Judge, Martin  
Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101, on the 9th day  
of July, 2007, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order pursuant  
to Rule 23 of the Federal Rules of Civil Procedure, granting the within motion for class

certification and further granting such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that any answering papers in opposition to this motion must be served and filed no later than June 15, 2007 in accordance with this Court's Order on Informal Application and Amended Pretrial Scheduling Order entered on February 1, 2007.

PLEASE TAKE FURTHER NOTICE that plaintiffs respectfully request oral argument.  
A proposed form of order is attached.

Dated: Newark, New Jersey  
May 16, 2007

TROUTMAN SANDERS LLP  
The Legal Center  
One Riverfront Plaza  
Newark, New Jersey 07102  
(973) 645-0772

By: Clement H. Berne  
David J. Sheehan (DS-4818)  
Clement H. Berne (CB 3579)

-and-

Charles P. Greenman  
Matthew J. Aaronson  
The Chrysler Building  
405 Lexington Avenue  
New York, New York 10174  
(212) 704-6000

*Attorneys for Plaintiffs*

To: SAIBER SCHLESINGER SATZ  
& GOLDSTEIN, LLC  
One Gateway Center  
13<sup>th</sup> Floor  
Newark, New Jersey 07102

**Matthew J. Aaronson Declaration**

TROUTMAN SANDERS LLP  
David J. Sheehan (DS 4818)  
Clement H. Berne (CB 3579)  
The Legal Center  
One Riverfront Plaza  
Newark, New Jersey 07102  
(973) 645-0772

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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ALEXANDRIA ELIAS, ROXANNE SCHER, :  
DOLORES BAEZ and JENNIFER TOSI, :  
on behalf of themselves and all others :  
similarly situated, :  
:

Plaintiffs, :

-against- :

UNGAR'S FOOD PRODUCTS, INC., :  
d/b/a DR. PRAEGER'S SENSIBLE FOODS :  
and SENSIBLE FOODS LLC d/b/a, :  
DR. PRAEGER'S SENSIBLE FOODS, :

Defendants. :

Civil Action No.:  
2:06-cv-02448-KSH-PS

DECLARATION IN SUPPORT  
OF PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION

-----X  
MATTHEW J. AARONSON, declares, under penalties of perjury, as follows:

1. I am associated with Troutman Sanders LLP, attorneys for plaintiffs Alexandria Elias, Roxanne Scher, Dolores Baez and Jennifer Tosi ("plaintiffs"), and submit this affidavit in support of plaintiffs' motion for class certification pursuant to Rule 23 of the Federal Rules of Civil Procedure.

2. Attached hereto as Exhibit 1 is a copy of an eleven ounce package of Dr. Praeger's California Veggie Burgers, purchased at retail, the contents of which were submitted to ABC Research Corp. for nutritional testing on May 25, 2006.

3. Attached hereto as Exhibit 2 is a copy of a sixty ounce package of Dr. Praeger's California Veggie Burgers, purchased at retail.

4. Attached hereto as Exhibit 3 is a copy of a package of Dr. Praeger's Broccoli Pancakes, purchased at retail, the contents of which were submitted to ABC Research Corp. for nutritional testing on May 25, 2006.

5. Attached hereto as Exhibit 4 is a copy of a package of Dr. Praeger's Potato Pancakes, purchased at retail, the contents of which were submitted to ABC Research Corp. for nutritional testing on May 25, 2006.

6. Attached hereto as Exhibit 5 is a copy of a package of Dr. Praeger's Spinach Pancakes, purchased at retail, the contents of which were submitted to ABC Research Corp. for nutritional testing on May 25, 2006.

7. Attached hereto as Exhibit 6 is a copy of the nutritional testing reports, dated June 1, 2006, describing results from testing performed on Dr. Praeger's 11 oz. California Veggie Burgers, Dr. Praeger's Spinach Pancakes, Dr. Praeger's Broccoli Pancakes, and Dr. Praeger's Potato Pancakes, performed by ABC Research Corp., 3437 S.W.24th Avenue, Gainesville, Florida 32607, at the request of counsel for plaintiffs.

8. Attached hereto as Exhibit 7 is a copy of a document purported to be a nutritional testing report, dated January 31, 2006 (DRP0006836-0006841) describing results from testing performed on Dr. Praeger's 60 oz. California Veggie Burgers, performed by Michelson Laboratories, Inc., 6280 Chalet Drive, Commerce, California 90040-3761.<sup>1</sup>

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<sup>1</sup> Defendants produced the documents marked as Exhibits 7-12 and designated them as confidential. Exhibits 7-12 will be submitted separately upon entry of an order sealing such Exhibits.

9. Attached hereto as Exhibit 8 is an email from Jeffrey Cohen to James Gianninoto, dated February 9, 2007 (DRP0015452). Accompanying the email is a chart prepared by defendants that lists sales and financial information (DRP0015453).

10. Attached hereto as Exhibit 9 is an email from Dr. Porus Aria of QC Laboratories to Larry Praeger (DRP0001447), dated February 1, 2005.

11. Attached hereto as Exhibit 10 is an email from Ted Birkhahn of Peppercom, Inc. to Larry Praeger (DRP0012654), dated May 12, 2006.

12. Attached hereto as Exhibit 11 is Defendants' response to Interrogatory No. 14 from Defendants' Objections and Responses to Plaintiffs' First Set of Interrogatories, dated December 27, 2006.

13. Attached hereto as Exhibit 12 is a copy of the nutritional testing reports (DRP0015069-0015080), dated February 23, 2006, describing results from testing performed on Dr. Praeger's 60 oz. California Veggie Burgers and Dr. Praeger's Spinach Pancakes, performed by QC Laboratories, 1205 Industrial Blvd., P.O. Box 514, Southampton, PA 18966-0514.

14. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: May 16, 2007



MATTHEW J. AARONSON

## Exhibit 1

DR. PRAEGER'S

4 BURGERS

DR. PRAEGER'S

ALL NATURAL

california  
veggie burgers

Made with Oat Bran

0g trans fat, saturated fat & cholesterol  
GMO Free



American Heart Association

Meets American Heart Association food criteria for  
saturated fat and cholesterol for healthy people over age 2.  
While many factors affect heart disease, diets low in saturated fat  
and cholesterol may reduce the risk of this disease.

NET WT. 11 OZ. (312g) KEEP FROZEN



KOSHER P

DR. PRAEGER'S

SENSIBLE FOODS

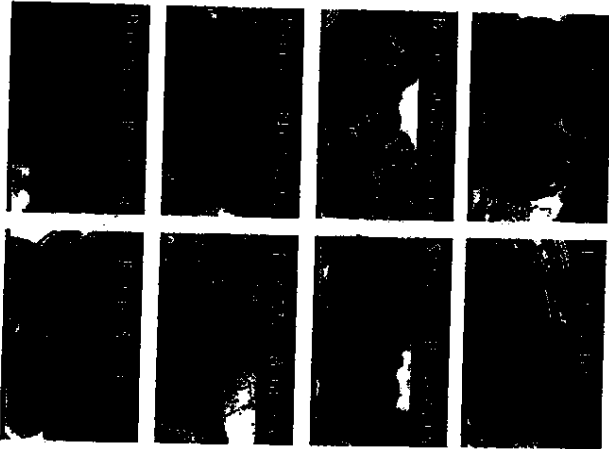
ALL NATURAL

california veggie burgers

DR. PRAEGER'S

ALL NATURAL  
california  
veggie burgers  
NET WT. 11 OZ. (312g)

4 BURGERS  
INDIVIDUALLY WRAPPED



Nutrition Facts	
Serving Size 1 Burger (79g)	
Serving Per Container 4	
% Daily Value*	
<b>Total Fat</b> 4g	8%
<b>Saturated Fat</b> 0g	0%
<b>Trans Fat</b> 0g	0%
<b>Cholesterol</b> 0mg	0%
<b>Sodium</b> 160mg	8%
<b>Total Carbohydrate</b> 9g	4%
<b>Dietary Fiber</b> 4g	16%
<b>Sugars</b> 0g	
<b>Protein</b> 5g	
Vitamin A 80% • Vitamin C 7%	
<b>Calcium</b> 6%	• Iron 7%
Percent Daily Values are based on a diet of other people's secrets. Your daily values may be higher or lower depending on your eating habits.	
<b>Total Fat</b>	4g 8%
<b>Saturated Fat</b>	0g 0%
<b>Trans Fat</b>	0g 0%
<b>Cholesterol</b>	0mg 0%
<b>Sodium</b>	160mg 8%
<b>Total Carbohydrate</b>	9g 4%
<b>Dietary Fiber</b>	4g 16%
<b>Sugars</b>	0g
<b>Protein</b>	5g
<b>Vitamin A</b>	80%
<b>Vitamin C</b>	7%
<b>Calcium</b>	6%
<b>Iron</b>	7%

#### Cooking Instructions

Keep Frozen Prior to Cooking.

Oven or Toaster Oven: Preheat oven on broil. Do not add any shortening. Broil 3-7 minutes on each side or until browned to taste.

Barbecue: Place on hot barbecue until golden brown.

Dear Valued Customer:

I believe that being healthy is a combination of genetics and a healthy lifestyle, including exercise and eating sensibly. As a Certified Strength & Conditioning Specialist, I am committed to helping you be a part of their healthy lifestyle.

Working with the family of a former patient in the food industry, I set out to create great foods that are both low in cholesterol and are free of preservatives and artificial ingredients. The result is Dr. Praeger's Sensible Foods™, designed to create only the freshest ingredients, prepared under strict kitchen supervision.

Dr. Praeger's Sensible Foods is the perfect combination of taste and convenience, for a health conscious lifestyle. Enjoy!!

Thank you,

Dr. Peter Praeger



KOSHER PARVE

**DR. PRAEGER'S**

ALL NATURAL

**california**

**veggie burgers**

Made with Oat Bran

0g trans fat, saturated fat & cholesterol

GMO Free

#### Ingredients

Garbanzo Beans, String Beans, Soy Beans, Zucchini, Peas, Textured Soy Flour, Spinach, Broccoli, Oat Bran, Eggplant, Pressed Canola Oil, Corn, Red Pepper, Arrowroot, Corn Starch, Garlic, Corn Meal, Salt, Parsley, Black Pepper.

**American Heart Association**

Heart-Healthy Food

Dr. Praeger's Sensible Foods™

Product manufactured by:

Dr. Praeger's Sensible Foods

www.drpraegers.com

EU 3001237675



018086810001017

**4 BURGERS**

INDIVIDUALLY WRAPPED

NET WT. 11 OZ (312g)

ALL NATURAL  
**california**  
veggie burgers

**DR. PRAEGER'S**

Job 6293  
21-027-1095C  
9/05 11

## Exhibit 2

**DR. PRAEGER'S**  
ALL NATURAL  
**california**  
veggie burgers

**16 BURGERS**  
INDIVIDUALLY WRAPPED

H06AB

NET WT. 60 OZ. (3.75 lbs) (1.7kg)

**16 BURGERS**  
INDIVIDUALLY WRAPPED

**DR. PRAEGER'S**  
ALL NATURAL  
california

**DR. PRAEGER'S**  
ALL NATURAL

**california**  
veggie burgers

Made with Oat Bran  
Cholesterol Free  
GMO Free  
No Trans Fatty Acids

 **American Heart Association**  
Heart American Heart Association food criteria for  
saturated fat and cholesterol for healthy people over age  
2. While many factors affect heart disease, diet has a significant role  
and cholesterol may reduce the risk of this disease.

 **KOSHER PARVE**

NET WT. 60 OZ. (3.75 lbs) (1.7kg) KEEP FROZEN

**16 BURGERS**  
INDIVIDUALLY WRAPPED

**DR. PRAEGER'S**  
ALL NATURAL  
**california**  
veggie burgers

**16 BURGERS**  
INDIVIDUALLY WRAPPED

Job #475  
21-027110SC  
9/05 2

## Nutrition Facts

Serving Size 1 Burger (107g)  
Servings Per Container 16

Amount Per Serving

Calories 110 Calories from Fat 35

% Daily Value\*

Total Fat 4g 6%

Saturated Fat 0g 0%

Trans Fat 0g

Cholesterol 0mg 0%

Sodium 220mg 9%

Total Carbohydrate 12g 4%

Dietary Fiber 5g 20%

Sugars 0g

Protein 7g

Vitamin A 53% • Vitamin C 16%

Calcium 7% • Iron 11%

\* Percent Daily Values are based on a diet of other people's misdeeds.

or lower depending on your calorie needs:

Calories: 2,000 2,500

Total Fat Less than 65g 80g

Sat Fat Less than 20g 25g

Cholesterol Less than 300mg 350mg

Sodium Less than 2,400mg 2,400mg

Total Carbohydrate 300g 375g

Dietary Fiber 25g 30g

Calories per gram:

Fat 9 • Carbohydrate 4 • Protein 4

INGREDIENTS: Carrots, Onions, String Beans, Soy Beans, Zucchini, Peas, Textured Soy Flour, Spinach, Broccoli, Oat Bran, Expeller Pressed Canola Oil, Corn, Red Pepper, Arrowroot, Corn Starch, Garlic, Corn Meal, Salt, Parsley, Black Pepper.

Dear Valued Customer:

I believe that being healthy is a combination of genetics and a balanced life style, including exercise and eating sensibly. As a Cardiac Surgeon, I am concerned that my patients maintain sensible diet habits as part of their ongoing cardiac care.

Working with the

family of a former patient in the food business, I set out to create great foods that are both low in cholesterol and saturated fats, and are free of preservatives and artificial ingredients. The result is "Dr. Praeger's Sensible Foods," designed to contain only the freshest ingredients, prepared under strict kosher supervision.

Dr. Praeger's Sensible Foods is the perfect combination of taste and convenience, for a health conscious lifestyle. Enjoy!

Thank you,



Dr. Peter Praeger

# DR. PRAEGER'S

ALL NATURAL

## california veggie burgers

Made with Oat Bran

Cholesterol Free

GMO Free

No Trans Fatty Acids

### Cooking Instructions

Keep Frozen Prior to Cooking.

Oven or Toaster Oven: Preheat oven

on broil. Do not add any shortening.

Broil 5-7 minutes on each side or

until browned to taste.

Barbecue: Place on barbecue until

golden brown.



American Heart Association

Heart American Heart Association

Heart American Heart Association

Heart American Heart Association

Heart American Heart Association

Heart American Heart Association

Heart American Heart Association

Heart American Heart Association

Heart American Heart Association

Heart American Heart Association

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Heart American Heart Association

Heart American Heart Association

Heart American Heart Association

Heart American Heart Association

Heart American Heart Association

ALL NATURAL  
california  
veggie burgers

# DR. PRAEGER'S

16 BURGERS  
INDIVIDUALLY WRAPPED

NET WT. 60.02 (3.75 lbs) (1.7kg)



508668-001170-1

Another Great  
Product Manufactured by:  
Ungar's Food Products  
Elmwood Park, N.J. 07407  
www.drpraegers.com

① KOSHER PARVE

## Exhibit 3

**DR. PRAEGER'S**  
SENSIBLE FOODS  
ALL NATURAL  
broccoli pancakes

**DR. PRAEGER'S**  
SENSIBLE FOODS

ALL NATURAL  
broccoli  
pancakes

9 PANCAKES  
INDIVIDUALLY WRAPPED  
NO BG  
NET WT.  
12 OZ. (340g)

DR. PRAEGER'S  
SENSIBLE FOODS  
ALL NATURAL  
broccoli pancakes

**DR. PRAEGER'S**  
SENSIBLE FOODS  
ALL NATURAL  
broccoli  
pancakes

0g trans fat, saturated fat & cholesterol



NET WT. 12 OZ. (340g) KEEP FROZEN



KOSHER PARVE

**DR. PRAEGER'S**  
SENSIBLE FOODS  
ALL NATURAL  
broccoli pancakes

# DR. PRAEGER'S<sup>®</sup>

## ALL NATURAL

### broccoli pancakes

0g trans fat  
saturated fat & cholesterol

**INGREDIENTS:**  
BROCCOLI, POTATOES, ONIONS, EGG WHITES,  
POTATO FLAKES, EXPELLER PRESSED CANOLA  
OIL, SALT, GARLIC, BLACK PEPPER.



**KOSHER PARVE**  
Another Great  
Seashell Food!

Dr. Praeger's Seashell Foods<sup>™</sup>  
Product Manufactured by:  
Ungar's Food Products  
Stamwood Park, N.J. 07407  
www.drpraegers.com  
EIN 5001257575



#### Cooking Instructions

Keep Frozen Prior to Cooking.  
Oven or Toaster Oven: Preheat oven  
on broil. Do not add any shortening.  
Broil 2-3 minutes on each side or until  
browned to taste.  
Microwave: 2 minutes each side.  
Serve with sour cream or apple sauce.

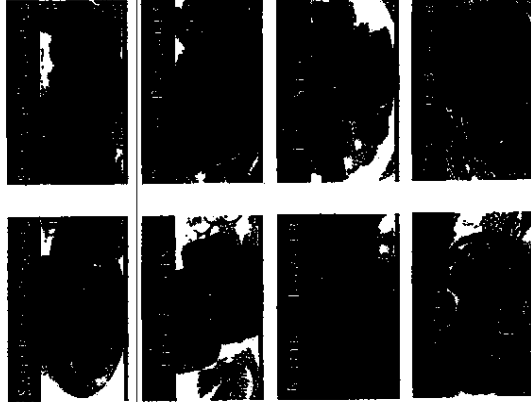
Dear Valued Customer:  
I believe that being healthy is a combination of genetics  
and a balanced life style. Including exercise and eating  
healthy. As a Certified Engineer, I am concerned that my  
patient cannot tolerate acidic diet habits as part of their  
ongoing cardiac care.

Working with the family of a former  
patient in the food business, I set out to  
create great foods that are both low in  
cholesterol and saturated fats, and are  
free of preservatives and artificial  
ingredients. The result is Dr. Praeger's  
Seashell Foods, designed to contain only  
the freshest ingredients, prepared under  
strict kitchen supervision.

Dr. Praeger's Seashell Foods is the perfect combination  
of taste and convenience. For a health conscious lifestyle.  
Enjoy!

Thank you,  
*Dr. Praeger*  
Dr. Peter Praeger

Nutrition Facts	
Serving Size 1 Pancake (38g)	
Amount Per Serving	
Calories 40	Calories from Fat 20
% Daily Value*	
Total Fat 2g	3%
Saturated Fat 0g	1%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 130mg	6%
Total Carbohydrate 5g	2%
Dietary Fiber <1g	3%
Sugars 0g	
Protein 1g	
Vitamin A 3%	Vitamin C 18%
Calcium 1%	Iron 1%
Percent Daily Values are based on a diet of other people's secrets. Your daily values may be higher or lower depending on your calorie intake.	
Total Fat 2g	
Sat Fat 0g	Less than 5g
Cholesterol 0mg	Less than 5mg
Sodium 130mg	Less than 2,400mg
Total Carbohydrate 5g	Less than 48g
Dietary Fiber 1g	25g
Calories per gram:	
Fat 9 • Carbohydrate 4 • Protein 4	



# DR. PRAEGER'S<sup>®</sup>

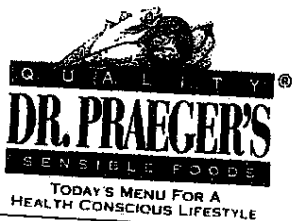
## ALL NATURAL

### broccoli pancakes

9 PANCAKES  
INDIVIDUALLY WRAPPED  
NET WT.  
12.0Z (340g)

Label 8394  
21-027-120SC  
10/05 4

## Exhibit 4



HOMESTYLE  
**POTATO  
PANCAKES**



HOMESTYLE  
**POTATO  
PANCAKES**  
KOSHER PARVE

**ALL NATURAL**  
*Made from Shredded Potatoes  
Low in Saturated Fat  
Low in Cholesterol*

 **Heart Healthy**  
NET WT. 12.7 oz. (360g)




HOMESTYLE  
**POTATO PANCAKES**

**9  
CAKES**  
NET WT.  
12.7 oz. (360g)

HOMESTYLE  
**POTATO  
PANCAKES**

QUALITY  
**DR. PRAEGER'S**  
SENSIBLE FOODS  
TODAY'S MENU FOR A  
HEALTH CONSCIOUS LIFESTYLE



**DR. PRAEGER'S**  
TODAY'S MENU FOR A  
HEALTHY CONSCIOUS LIFESTYLE

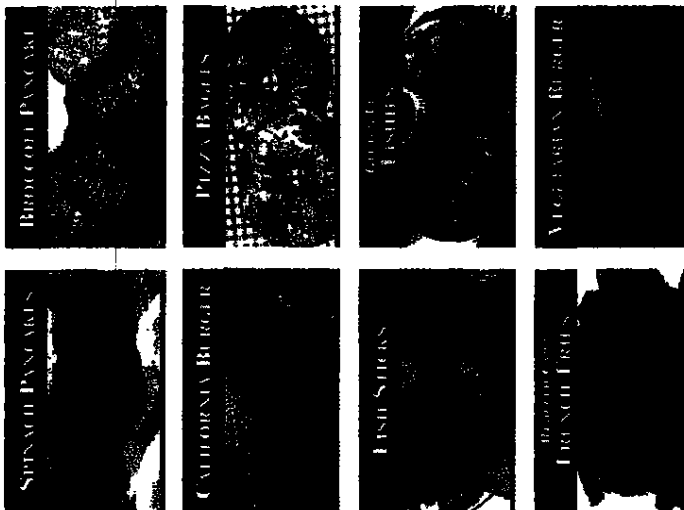
**HOMESTYLE**

**POTATO PANCAKES**

**NET WT.**  
**12.7 oz. (360g)**

Job#5672  
21-027-84SC  
12

Nutrition Facts	
Serving Size 1 Pancake (40g)	
Amount Per Serving	
Calories 60	Calories from Fat 20
% Daily Value*	
Total Fat 2.5g	4%
Saturated Fat 0g	1%
Cholesterol 15mg	5%
Sodium 95mg	4%
Total Carbohydrate 7g	2%
Dietary Fiber less than 1g	3%
Sugars 0g	
Protein 2g	
Vitamin A 0%	Vitamin C 7%
Calcium 1%	Iron 3%
*Percent Daily Values are based on a diet of other people's secrets. Your daily values may be higher or lower depending on your calorie needs:	
Total Fat	Less than 65g
Sat Fat	Less than 20g
Cholesterol	Less than 300mg
Sodium	Less than 2,400mg
Total Carbohydrate	Less than 300g
Dietary Fiber	25g
Calories per gram:	
Fat 8	Carbohydrate 4
Protein 4	



#### COOKING INSTRUCTIONS

Keep Frozen Prior to Cooking.

Oven or Toaster Oven:

Preheat oven on broil. Do not add any shortening. Broil 3-8 minutes on each side or until browned to taste.

Microwave:

2 minutes each side.  
Serve with sour cream or apple sauce

Dear Valued Customer:

I believe that being healthy is a combination of genetics and a balanced life style. Including exercise and eating sensibly. As a Cardiac Surgeon, I am concerned that my patients maintain sensible diet habits as part of their ongoing cardiac care.

Working with the family of a former patient in the food business, I set out to create great foods that are both low in cholesterol and saturated fats, and are free of preservatives and artificial ingredients. The result is "Dr. Praeger's Sensible Foods."

Designed to contain only the freshest ingredients, prepared under strict kitchen supervision.

Dr. Praeger's Sensible Foods is the perfect combination of taste and convenience, for a health conscious lifestyle. Enjoy!!

Thank you.

Dr. Peter Praeger



HOMESTYLE

**POTATO PANCAKES**

INGREDIENTS

Potatoes, Onions, Eggs, Oat Bran, Expeller Pressed Canola Oil, Arrowroot, Spices.



KOSHER PARVE

Another Great

DR. PRAEGER'S SENSIBLE FOODS™

Product Manufactured By:

Unger's Food Products

Elmwood Park, N.J. 07407

www.drpraegers.com



## Exhibit 5

DR. PRAEGER'S  
SENSIBLE FOODS  
ALL NATURAL  
spinach pancakes

DR. PRAEGER'S  
SENSIBLE FOODS  
ALL NATURAL  
spinach  
pancakes  
9 PANCAKES  
INDIVIDUALLY WRAPPED  
WOSAB  
NET WT.  
12 OZ. (340g)

Where you recognize all the ingredients

DR. PRAEGER'S  
SENSIBLE FOODS  
ALL NATURAL  
spinach 8 1/2  
pancakes

0g trans fat, saturated fat & cholesterol



NET WT. 12 OZ. (340g) KEEP FROZEN



KOSHER PARVE

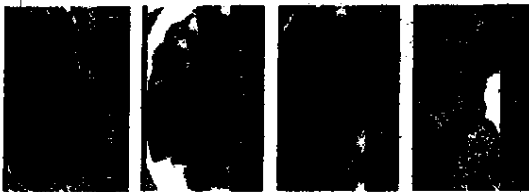
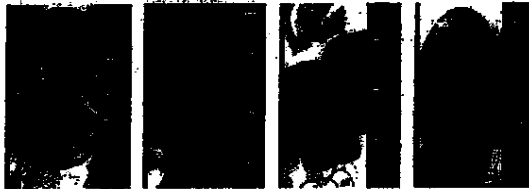
DR. PRAEGER'S  
SENSIBLE FOODS

9 PANCAKES  
INDIVIDUALLY WRAPPED

NET WT.  
12 OZ. (340g)

ALL NATURAL  
**spinach  
pancakes**

**DR. PRAEGER'S**



Nutrillon Facts			
Serving Size 1 Pancake (90g)			
Serving Per Container 8			
Amount Per Serving			
Calories 40	Calories from Fat 20		
% Daily Value*			
Total Fat 2g		3%	
Saturated Fat 0g		1%	
Trans Fat 0g			
Cholesterol 0mg		0%	
Sodium 130mg		8%	
Total Carbohydrate 5g		2%	
Dietary Fiber <1g		3%	
Sugars 0g			
Protein 1g			
Vitamin A 31%	Vitamin C 8%		
Calcium 5%	Iron 2%		
*Percent Daily Values are based on a diet of other people's misdeeds.			
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**Cooking Instructions:**

Keep Frozen Prior to Cooking.

Oven or Toaster Oven: Preheat oven on broil. Do not add any shortening. Broil 2-6 minutes on each side or until browned to taste.

Microwave: 2 minutes each side. Serve with sour cream or apple sauce.

**Dear Valued Customer:**

I believe that being healthy is a combination of genetics and a balanced life style, including exercise and eating healthy. As a Certified Nutritionist, I am concerned that my patients maintain healthy diet habits as part of their ongoing health care.

Working with the health of a former patient in the food business, I set out to create great foods that are both low in cholesterol and saturated fat, and are free of preservatives and artificial ingredients. The result is "Dr. Praeger's Spinach Pancake," designed to combine only the freshest ingredients, prepared under strict health supervision.

Dr. Praeger's Spinach Pancake is the perfect combination of taste and convenience for a health conscious lifestyle. Enjoy!

Thank you,  
Dr. Peter Praeger

**DR. PRAEGER'S**  
ALL NATURAL  
**spinach  
pancakes**

**Ingredients:**  
0g trans fat, saturated fat & cholesterol

**Ingredients:**  
SPINACH, POTATOES, ONIONS, EGG WHITES, POTATO FLAVOR, EXPLODER PRESSED CHICKEN, ONION, BAKED GARLIC, PEPPER.

**KOSHER PARVE**

Dr. Praeger's Spinach Pancake is manufactured by:  
Friedrich's Food Products  
Elmwood Park, N.J. 07407  
www.drpraegers.com  
Call 800.237.0176

0 80868 00055 8

Job# 6364  
21-027-11BSC  
10/05 6

## Exhibit 6

# ABC Research Corp.

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A Better Company For Your Professional Analytical Needs

Sample Group #: 06006909

Received: May 25 2006

Description: Dr. Praeger's Burgers & Pancakes

MATTHEW AARONSON ESQ.

TROUTMAN SANDERS, LLP

405 LEXINGTON AVENUE

NEW YORK, NY 10174

Finalized: Jun 1 2006

Print Date Jun 1 2006

Client #: 15596

Phone: 212-704-6006

Fax: 212-704-5901

## ANALYTICAL RESULTS

Results are representative of the sample(s) as submitted

<b>Sample #:</b> 06006909-1 <b>Description:</b> California Veggie Burgers (Lot Code T06BG)				
ANALYSIS	RESULT	UNIT	DET. LIMIT	METHOD REFERENCE
FAT <small>Analysis started on 5/27/2006</small>	11.4	%	1	AOAC 922.06, 948.15
CARBOHYDRATE <small>Analysis started on 5/27/2006</small>	18.2	%	1	CALC
CALORIES <small>Analysis started on 5/27/2006</small>	203	Cal/100g	1	CALC
PROTEIN <small>Analysis started on 5/27/2006</small>	6.9	%	0.1	AOAC 984.13 - Mod.
MOISTURE <small>Analysis started on 5/27/2006</small>	62.0	%	0.1	AOAC - MOISTURE
ASH <small>Analysis started on 5/27/2006</small>	1.5	%	0.1	AOAC 920.153
SODIUM <small>Analysis started on 5/27/2006</small>	219	mg/100g	0.05	SW 6010 (FOODS)

<b>Sample #:</b> 06006909-2 <b>Description:</b> Broccoli Pancakes (Lot Code NO6BG)				
ANALYSIS	RESULT	UNIT	DET. LIMIT	METHOD REFERENCE
FAT <small>Analysis started on 5/27/2006</small>	10.0	%	1	AOAC 922.06, 948.15
CARBOHYDRATE <small>Analysis started on 5/27/2006</small>	15.1	%	1	CALC
CALORIES	161.6	Cal/100g	1	CALC

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## ANALYTICAL RESULTS

Results are representative of the sample(s) as submitted

<b>Sample #:</b> 06006909-2 <b>Description:</b> Broccoli Pancakes (Lot Code NO6BG)				
ANALYSIS	RESULT	UNIT	DET. LIMIT	METHOD REFERENCE
Analysis started on 5/27/2006 <b>PROTEIN</b>	2.8	%	0.1	AOAC 984.13 - Mod.
Analysis started on 5/27/2006 <b>MOISTURE</b>	70.5	%	0.1	AOAC - MOISTURE
Analysis started on 5/27/2006 <b>ASH</b>	1.6	%	0.1	AOAC 920.153
Analysis started on 5/27/2006 <b>SODIUM</b>	348	mg/100g	0.05	SW 6010 (FOODS)

<b>Sample #:</b> 06006909-3 <b>Description:</b> Broccoli Pancakes (Lot Code R06CE)				
ANALYSIS	RESULT	UNIT	DET. LIMIT	METHOD REFERENCE
Analysis started on 5/27/2006 <b>FAT</b>	8.6	%	1	AOAC 922.06, 948.15
Analysis started on 5/27/2006 <b>CARBOHYDRATE</b>	15.8	%	1	CALC
Analysis started on 5/27/2006 <b>CALORIES</b>	154.6	Cal/100g	1	CALC
Analysis started on 5/27/2006 <b>PROTEIN</b>	3.5	%	0.1	AOAC 984.13 - Mod.
Analysis started on 5/27/2006 <b>MOISTURE</b>	70.6	%	0.1	AOAC - MOISTURE

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Sample Group #: 06006909

Received: May 25 2006

Description: Dr. Praeger's Burgers & Pancakes

MATTHEW AARONSON ESQ.

TROUTMAN SANDERS, LLP

405 LEXINGTON AVENUE

NEW YORK, NY 10174

Finalized: Jun 1 2006

Print Date Jun 1 2006

Client #: 15596

Phone: 212-704-6006

Fax: 212-704-5901

## ANALYTICAL RESULTS

Results are representative of the sample(s) as submitted

<b>Sample #:</b> 06006909-3 <b>Description:</b> Broccoli Pancakes (Lot Code RO6CE)				
ANALYSIS	RESULT	UNIT	DET. LIMIT	METHOD REFERENCE
<b>ASH</b> <small>Analysis started on 5/27/2006</small>	1.5	%	0.1	AOAC 920.153
<b>SODIUM</b> <small>Analysis started on 5/27/2006</small>	349	mg/100g	0.05	SW 6010 (FOODS)

<b>Sample #:</b> 06006909-4 <b>Description:</b> Potato Pancakes (Lot Code IO5CH)				
ANALYSIS	RESULT	UNIT	DET. LIMIT	METHOD REFERENCE
<b>FAT</b> <small>Analysis started on 5/27/2006</small>	12.1	%	1	AOAC 922.06, 948.15
<b>CARBOHYDRATE</b> <small>Analysis started on 5/27/2006</small>	19.1	%	1	CALC
<b>CALORIES</b> <small>Analysis started on 5/27/2006</small>	198.1	Cal/100g	1	CALC
<b>PROTEIN</b> <small>Analysis started on 5/27/2006</small>	3.2	%	0.1	AOAC 984.13 - Mod.
<b>MOISTURE</b> <small>Analysis started on 5/27/2006</small>	64.2	%	0.1	AOAC - MOISTURE
<b>ASH</b> <small>Analysis started on 5/27/2006</small>	1.4	%	0.1	AOAC 920.153
<b>SODIUM</b> <small>Analysis started on 5/27/2006</small>	337	mg/100g	0.05	SW 6010 (FOODS)

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Sample Group #: 06006909

Received: May 25 2006

Description: Dr. Praeger's Burgers & Pancakes

MATTHEW AARONSON ESQ.

TROUTMAN SANDERS, LLP

405 LEXINGTON AVENUE

NEW YORK, NY 10174

Finalized: Jun 1 2006

Print Date Jun 1 2006

Client #: 15596

Phone: 212-704-6006

Fax: 212-704-5901

## ANALYTICAL RESULTS

Results are representative of the sample(s) as submitted

Sample #: 06006909-5				
Description: Potato Pancakes (Lot Code RO6CE)				
ANALYSIS	RESULT	UNIT	DET. LIMIT	METHOD REFERENCE
FAT Analysis started on 5/27/2006	9.3	%	1	AOAC 922.06, 948.15
CARBOHYDRATE Analysis started on 5/27/2006	18.5	%	1	CALC
CALORIES Analysis started on 5/27/2006	171.3	Cal/100g	1	CALC
PROTEIN Analysis started on 5/27/2006	3.4	%	0.1	AOAC 984.13 - Mod.
MOISTURE Analysis started on 5/27/2006	67.4	%	0.1	AOAC - MOISTURE
ASH Analysis started on 5/27/2006	1.4	%	0.1	AOAC 920.153
SODIUM Analysis started on 5/27/2006	321	mg/100g	0.05	SW 6010 (FOODS)

ATTORNEY WORK PRODUCT/ATTORNEY-CLIENT COMMUNICATION/PRIVILEGED

Deviations from standardized methods: None unless otherwise noted.

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Sample Group #: 06006909

Received: May 25 2006

Description: Dr. Praeger's Burgers & Pancakes

MATTHEW AARONSON ESQ.

TROUTMAN SANDERS, LLP

405 LEXINGTON AVENUE

NEW YORK, NY 10174

Finalized: Jun 1 2006

Print Date Jun 1 2006

Client #: 15596

Phone: 212-704-6006

Fax: 212-704-5901

## ANALYTICAL RESULTS

Results are representative of the sample(s) as submitted

Respectfully submitted for ABC Research

---

Kathy Barry  
Director, Chemistry Laboratory

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Unless notified, sample disposed of within 30 days of final report.

6909-1	Veggie Burger	78	62.0	6.9	11.4	1.5	219	18.2	203	8.9	171	158
6909-2	Broccoli Pancake, NO6BG	38	70.5	2.8	10.0	1.6	348	15.1	161.6	3.8	132	61
6909-3	Broccoli Pancake, RO6CE	38	70.6	3.5	8.6	1.5	349	15.8	154.6	3.3	133	59
6909-4	Potato Pancake, IO5CH	40	64.2	3.2	12.1	1.4	337	19.1	198.1	4.8	135	79
6909-5	Potato Pancake, RO6CE	40	67.4	3.4	9.3	1.4	321	18.5	171.3	3.7	128	69

## Exhibit 7



Our Experience Is Your Protection

**Michelson Laboratories, Inc.**

6280 Chalet Drive, Commerce, California 90040-3761, Telephone (562) 928-0553 / FAX (562) 927-6625

**LABORATORY CERTIFICATE**

Submitted By: GARDEN BURGER  
15615 ALTON PARKWAY  
SUITE 350  
IRVINE, CA 92618  
Attn : MARIA HANSELL

Date: 01/31/2006  
Lab No. : 111805-C16158  
Report No. : 111805-C16158B  
Order No. :  
Received : 11/18/2005  
Page : 1 of 4

Sample: DR. PRAEGER'S CALIF. BURGER CLUB-SEALED BOX SS = 100 GRAMS

Serving size used for calculations 100.00 grams

**PROXIMATES (NUTRITIONAL)**

	Method	Result	Start:Dt
Moisture	AOAC 950.46, 92	66.47 %	11/21/2005
Protein (% Nitrogen x 6.25)		6.28 %	11/21/2005
Fat		6.77 %	11/28/2005
Ash	AOAC 923.03 (32)	1.71 %	11/29/2005
Carbohydrate, Total (by difference)	CALCULATED RESULT	18.77 %	
Calories, Total (Calculation)	CALCULATED RESULT	161/100 g	
Calories From Fat (Calculation)	CALCULATED RESULT	61/100 g	
Fat By Gc	AOAC 976.26	6.77 %	11/28/2005

**CARBOHYDRATES**

Carbohydrates, Total (by difference)	CALCULATED RESULT	18.77 %	
Fiber, Total Dietary	AACC 32.07	4.41 %	11/28/2005
Total Sugars	CALCULATED RESULT	2.71 %	
: Fructose	AOAC 982.14	0.97 %	11/20/2005
: Glucose	AOAC 982.14	0.74 %	11/20/2005
: Sucrose	AOAC 982.14	1.00 %	11/20/2005
: Maltose	AOAC 982.14	** NDLT 0.10 %	11/20/2005
: Lactose	AOAC 982.14	** NDLT 0.10 %	11/20/2005
Other Carbohydrates	CALCULATED RESULT	11.65 %	

\*\* Indicates None Detected Less Than

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Lab No. : 111805-C16158

Date: 01/31/2008

Page : 2 of 4

Sample: DR. PRAEGER'S CALIF. BURGER CLUB-SEALED BOX SS = 100 GRAMS

**VITAMINS AND MINERALS (NUTRITIONAL)**

	Method	Result	Start:Dt
Vitamin A, Total	AOAC 992.04	2,170 IU/100g	11/28/2005
Vitamin A, As Beta Carotene	AOAC 992.04	2,170 IU/100g	11/28/2005
Vitamin C	AOAC 967.21	** NDLT 0.50 mg/100g	11/21/2005
Calcium	SM 3500 CA C	46.70 mg/100g	11/22/2005
Iron	SM 3500 FE C	1.74 mg/100g	11/22/2005
Sodium	SM 3500 NA C	263.00 mg/100g	11/23/2005
<b>Fatty Acid Profile:</b>			
:Saturated Fat	AOAC 969.33	15.00 %	11/28/2005
:Monounsaturated	AOAC 969.33	55.60 %	11/28/2005
:Polyunsaturated	AOAC 969.33	29.40 %	11/28/2005
:Trans Fat	AOAC 41.1.28	** NDLT 0.01 %	11/28/2005
Cholesterol	AOAC 976.26GC	** NDLT 1.00 mg/100gms	11/28/2005

\*\* Indicates None Detected Less Than

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Lab No. : 111805-C16158

Date: 01/31/2006

Page : 3 of 4

Sample: DR. FRAEGER'S CALIF. BURGER CLUB-SEALED BOX SS = 100 GRAMS

### NUTRITION FACTS

Serving Size (Household Units):

100

Serving Size:

100.00 g

Serving per Container:

--

#### Amount Per Serving

Calories:

160

Calories from Fat:

60

Total Fat:

7 g

% Daily Value ++

10 %

: Saturated Fat

1.0 g

5 %

: Trans Fat

0 g

Cholesterol

0 mg

0 %

Sodium

260 mg

11 %

Total Carbohydrates:

19 g

6 %

: Dietary Fiber

4 g

18 %

: Sugars

3 g

Protein

6 g

Vitamin A

45 %

Vitamin A, Beta Carotene: #

45 %

Vitamin C

0 %

Calcium

4 %

Iron

10 %

# Optional Labeling Item

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Lab No. : 111805-C16158

Date: 01/31/2006

Page : 4 of 4

Sample: DR. PRAEGER'S CALIF. BURGER CLUB-SEALED BOX SS = 100 GRAMS

++ Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories	2,000	2,500
Total Fat	Less Than	65 g	80 g
Sat Fat	Less Than	20 g	25 g
Cholesterol	Less Than	300 mg	300 mg
Sodium	Less Than	2,400 mg	2,400 mg
Total Carbohydrate		300 g	375 g
Dietary Fiber		25 g	30 g

Calories per gram:

Fat 9 - Carbohydrate 4 - Protein 4

### PLEASE BE ADVISED

The new 'Nutritional Labeling and Education Act of 1990' has carefully defined serving sizes to be used on all products.

We have made every effort to provide you with NUTRITION FACTS information which complies with the new nutrition law to date. Verify for compliance your serving size and serving(s) per container.

### Ingredients:

None Given

**MICHELSON LABORATORIES, INC.**

Maria Lopez, Instrumentation Manager | 1/31/2006 9:52:00 AM

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**DRP0006839**

	Nutrition Analysis from Michelson Laboratories	Nutrition Fact from Dr. Praegar's Packaging	% Variance
Calories	171.2	110	56%
Calories From Fat	64.2	35	83%
Total Fat	7.49	4	87%
Saturated Fat	1.07	0	100%
Trans Fat	0	0	
Cholesterol	0	0	
Sodium	278.2	220	26%
Total Carbohydrates	20.33	12	69%
Dietary Fiber	4.28	5	-14%
Sugars	3.21	0	
Protein	6.42	7	-8%

**Nutrition Facts**

Serving Size 1 Burger (107g)

Serving Per Container 16

Amount Per Serving

Calories 110 Calories from Fat 35

% Daily Value\*

Total Fat 4g 8%

Saturated Fat 0g 0%

Trans Fat 0g 0%

Cholesterol 0g 0%

Sodium 220mg 9%

Total Carbohydrate 12g 4%

Dietary Fiber 5g 20%

Sugars 0g

Protein 2g

Vitamin A 53% • Vitamin C 19%

Calcium 7% • Iron 11%

\* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

		Calories	2,000	2,500
Total Fat	Less than	65g	80g	
Sat Fat	Less than	20g	25g	
Cholesterol	Less than	300mg	300mg	
Sodium	Less than	2,400mg	2,400	
Total Carbohydrate		300g	375g	
Dietary Fiber		25g	30g	

Calories per gram:  
Fat 9 • Carbohydrate 4 • Protein 4

Another Great  
DR. PRAEGER'S SENSIBLE FOODS™  
Product Manufactured By:  
Ungar's Food Products  
Elmwood Park, N.J. 07407  
www.drpraegers.com

**COOKING INSTRUCTIONS**

Keep Frozen Prior to Cooking.

Oven or Toaster Oven:

Preheat oven on broil

Do not add any shortening

Broil 5-7 minutes on each side

or until browned to taste

Barbecue:

Place on barbeque until golden brown

Dear Valued Customer:

I believe that being healthy is a combination of genetics and a balanced life style, including exercise and eating sensibly. As a Cardiac Surgeon, I am concerned that my patients maintain sensible diet habits as part of their ongoing cardiac care.



Working with the family of a former patient in the food business, I set out to create great foods that are both low in cholesterol and saturated fats, and are free of preservatives and artificial ingredients. The result is "Dr. Praeger's Sensible Foods," designed to contain only the freshest ingredients, prepared under strict kosher supervision.

Dr. Praeger's Sensible Foods is the perfect combination of taste and convenience, for a health conscious lifestyle. Enjoy!!

Thank you,

  
Dr. Peter Praeger

Net. Wt. 60 Oz. (3.75lb) (1.7kg)


**Veggie®**  
ROYALE

**CALIFORNIA**  
BURGERS
**INGREDIENTS**

Carrots, Onions, String Beans, Soy Beans, Zucchini, Peas, Textured Soy Flour, Spinach, Broccoli, Oat Bran, Expeller Pressed Canola Oil, Corn, Red Pepper, Arrowroot, Corn Starch, Garlic, Corn Meal, Salt, Parsley, Black Pepper.

**KOSHER PARVE ®**

28274



0 80868 00110 4

## Exhibit 8

**James H. Gianninoto**

---

**From:** Jeff Cohen [jeff@drpraegers.com]  
**Sent:** Friday, February 09, 2007 2:08 PM  
**To:** James H. Gianninoto  
**Subject:** Privileged and confidential

BP12 – Broccoli pancakes, 12 oz/retail box, 12 retail boxes per master case  
LCVB12 – California Veggie Burgers, 3.75lb/retail box, 12 retail boxes per master case (club packs, ie Costco)  
LCVB8 – California Veggie Burgers, 4lbs/retail box, 8 retail boxes per master case (club packs, new recipe after reformulated)  
LVB12 – California Veggie Burgers, 33 oz/retail box, 12 retail boxes per master case  
SP12 – Spinach pancakes, 12 oz/retail box, 12 retail boxes per master case  
VB12 – California Veggie Burgers, 11 oz/retail box, 12 retail boxes per master case (I don't have the reformulation date right now, but some may be reformulated)  
VB26 – California Veggie Burgers, 11 oz/retail box, 26 retail boxes per master case (sold to Trader Joe's only)

Jeffrey D. Cohen  
Chief Operating Officer  
Unger's Food Products, Inc./Dr. Praeger's Sensible Foods  
9 Boumar Place  
Elmwood Park, NJ 07407  
Tel: (201) 703-1300 x201  
Fax: (201) 703-9333

Strictly Confidential  
For Counsel Only

REDACTED

Strictly Confidential  
For Counsel Only


DRP0015453

## Exhibit 9

---

**From:** Dr. Porus Aria [paria@qclaboratories.com]  
**Sent:** Tuesday, February 01, 2005 11:20 AM  
**To:** Jeff Cohen  
**Subject:** Re: veggie burger

**Attachments:** ungerL1426186-database-2.doc

  
ungerL1426186-dat  
abase-2.doc (...

**Checked calculations & Vitamin A comes to 40%Dv and Vit C is 35% DV.  
(In my database, there was an error of vit C from peppers.) see attached.**

**Jeff Cohen wrote:**

>Dr. Aria,  
>  
>Please let me have the vitamin information as soon as you can.  
>  
>Thanks.  
>  
>Jeff

>-----Original Message-----

>From: Dr. Porus Aria [mailto:paria@qclaboratories.com]  
>Sent: Thursday, January 20, 2005 3:00 PM  
>To: Jeff Cohen  
>Subject: veggie burger  
>  
>  
>revised report with poly & mono fat attached.  
>  
>To Be more accurate It is suggested that actual tests be done on the  
>product.  
>Regards  
>Porus Aria.  
>  
>  
>

## Exhibit 10

**From:** Ted Birkhahn [TedB@peppercom.com]  
**Sent:** Friday, May 12, 2006 10:23 AM  
**To:** Larry Praeger  
**Cc:** Steve Cody; Charles Leone  
**Subject:** Article Recap

Larry,

Here are my general thoughts about the article in today's Record. Overall, if you take-away any and all references to the company losing money, the article is what you can expect given the situation. With that said, here are some observations and recommendations:

- 1) In future interviews, we should refrain from discussing how much money the company is losing due to this crisis. Since you are privately-held, it's very acceptable to say that you do not disclose financial figures.
- 2) During these interviews, we really need to stress early and often that you have independently tested the new product and it currently meets the AHA and FDA standards for fat, saturated fat, cholesterol and sodium. All you're currently waiting on is the result of the AHA independent test to be re-certified. This shows the reporter that the problem is fixed.
- 3) We need to stop debating with reporters about the severity of the increase in fat content (i.e. comparing the fat increase to that of eating a hamburger.). People buy your products because they want to eat sensibly and they expect an accurate accounting of the ingredients in what they eat. That trust has been violated and the media will want expose it. To avoid or mitigate this, we shouldn't debate them on how much fat is too much. Let's admit that we made a mistake and move on...
- 4) Overall, we should look at each interview as being a four part conversation: 1) Admit fault - we unknowingly increased the fat content in the veggie burgers; 2) As soon as we discovered the problem, we fixed it. We're also removing all packaging with the wrong information from store shelves; 3) We've tested the new product and it now meets AHA and FDA standards. The new product will be shipping soon.; 4) Finally, we're awaiting the results of the AHA's tests, which will determine our status of being re-certified.

Hope this helps. Monday morning quarterbacking is an easy job and it's a lot tougher for your father or anyone to actually go out and do this. But this is all part of the process and following some or all of this advice will enable us to win each interview. Let's talk about it some more before the next one.

Best,  
 Ted

Ted Birkhahn  
 Managing Director  
 Peppercom, Inc.  
 470 Park Avenue South, 5th Floor  
 New York, NY 10018  
 Tel: (212) 831-6119  
 Fax: (212) 208-3886  
[tedb@peppercom.com](mailto:tedb@peppercom.com)  
<http://www.peppercom.com>

I invite you to visit my podcast at <http://www.repmanblog.com/repchatter/>

9/8/2006

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DRP0012654

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For more information please visit <http://www.messagelabs.com/email>

**CONFIDENTIAL**

DRP0012655

## Exhibit 11

David R. Gross, Esq.  
James H. Gianninoto, Esq.  
David A. Cohen, Esq.  
**SAIBER SCHLESINGER SATZ & GOLDSTEIN, LLC**  
One Gateway Center, 13th Floor  
Newark, New Jersey 07102  
(973) 622-3333

Attorneys for Defendants Ungar's Food Products, Inc.,  
d/b/a Dr. Praeger's Sensible Foods and Sensible Foods  
LLC d/b/a Dr. Praeger's Sensible Foods

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ALEXANDRIA ELIAS, ROXANNE SCHER,  
DOLORES BAEZ and JENNIFER TOSI, on behalf of  
themselves and others similarly situated,

Plaintiffs,

-v-

UNGAR'S FOOD PRODUCTS, INC.,  
d/b/a DR. PRAEGER'S SENSIBLE FOODS  
and SENSIBLE FOODS LLC d/b/a  
DR. PRAEGER'S SENSIBLE FOODS,

Defendants.

Civil Action No.2:06-cv-02448-KSH-PS

**DEFENDANTS' OBJECTIONS  
AND RESPONSES TO  
PLAINTIFFS' FIRST SET  
OF INTERROGATORIES**

TO: **TROUTMAN SANDERS LLP**  
David J. Sheehan  
Matthew J. Aaronson  
Charles P. Greenman  
The Legal Center, One Riverfront Plaza  
Newark, NJ 07102  
(973) 645-0772  
Attorneys for Plaintiffs Alexandria Elias,  
Roxanne Scher, Dolores Baez and Jennifer Tosi,  
on behalf of themselves and others similarly situated

Defendants Ungar's Food Products, Inc. ("Ungar's") and Dr. Praeger's Sensible  
Foods, n/k/a Sensible Foods LLC ("Sensible Foods"), (collectively "Defendants") hereby object

derived from the documents Defendants will produce to Plaintiffs, subject to, and following the entry of an appropriate Confidentiality Order in this action.

**Interrogatory No. 14**

14. Set forth the date each of the Products was tested and/or analyzed for its nutritional content, including but not limited to fat and caloric content. For each test or analysis, set forth the date and the Product tested or analyzed.

**CONFIDENTIAL - Response to Interrogatory No. 14**

The Defendants repeat and reallege each and every General Objection set forth above as if set forth herein at length. The Defendants further object to this Interrogatory to the extent it seeks information subject to discovery only by the means prescribed in Rule 26(b)(3) of the Federal Rules of Civil Procedure, the disclosure of which is not yet required under the Scheduling Order entered by the Court on October 26th, 2006. The Defendants also object to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work product doctrine, the joint interest privilege or any other applicable privilege or protection. The Defendants further object to this Interrogatory on the grounds that it is overbroad, unduly burdensome and oppressive insofar as it seeks information pertaining to products never purchased by any representative Plaintiff and/or pertaining to the period prior to the date that Defendants' Products were manufactured and/or prior to the date that any representative Plaintiff purchased Defendants' Products.

Subject to and without waiving any of the foregoing objections, the Defendants state that no laboratory testing of the nutritional content of Defendants' Products was conducted by or on behalf of Defendants until 2006 and that prior to 2006, the nutritional content of Defendants' Products for purposes of the Nutrition Facts label was calculated or analyzed by or on behalf of Defendants using information from nutritional databases and the specific quantities of the various ingredients used in the manufacture of the various Defendants' Products as changes were made to the recipes, as well as at other various times. Defendants also state that further information responsive to this Interrogatory concerning the testing or analysis of Defendants' Products in or after 2001 may be derived from the non-privileged documents that

**CONFIDENTIAL - Response to Interrogatory No. 14 cont'd.**

Defendants will produce to Plaintiffs, subject to, and following the entry of an appropriate Confidentiality Order in this action.

**Interrogatory No. 15**

15. Identify the manufacturing process(es) for the Products, including but not limited to any changes made to the manufacturing process(es).

**CONFIDENTIAL - Response to Interrogatory No. 15**

The Defendants repeat and reallege each and every General Objection set forth above as if set forth herein at length. The Defendants further object to this Interrogatory on the grounds that the term "changes made to the manufacturing process(es)" is undefined, vague and ambiguous in that there have been numerous "changes" in the ingredients, recipes, manufacturing equipment or procedures in or after 2001.

Subject to and without waiving any of the foregoing objections, Defendants refer to the Response to Interrogatory 12 above, herein incorporated by reference. The Defendants also state that further information responsive to this Interrogatory may be derived from the documents Defendants will produce to Plaintiffs, subject to, and following the entry of an appropriate Confidentiality Order in this action.

## Exhibit 12



# Analytical Results

02/23/06 01:04pm

DANIELLE FRASGER  
UNGAR'S FOOD PRODUCTS  
9 BOUNAR PLACE  
ELMWOOD PARK, NJ 07407-2615

Regarding:

DANIELLE FRASGER  
UNGAR'S FOOD PRODUCTS  
9 BOUNAR PLACE  
ELMWOOD PARK, NJ 07407-2615

Account No: T01103, UNGAR'S FOOD PRODUCTS  
Project No: T01103, UNGAR'S FOOD PRODUCTS

P.O. No:

Inv. No:

Sample Number/Description L1870652-1 DR FRASGER'S ALL NATURAL CALIFORNIA VEGGIE BURGERS 3.75LBS  
Rec'd. Date/Time 02/03/06 11:00am  
Method Analysis AOAC  
Serving Size 1 burger (107g)

Parameter	Per 100g	Per Serving	SDV
MOISTURE	67.49 gms	72.21 gms	
PROTEIN (KJELDAHL)	6.29 gms	6.73 gms	
FAT	7.67 gms	8.21 gms	12.63
SATURATED FAT	1.28 gms	1.37 gms	6.83
MONOSATURATED FAT	5.15 gms	5.51 gms	
POLYUNSATURATED FAT	0.55 gms	0.59 gms	
TRANS FAT	0.00 gms	0.00 gms	
ASH	1.53 gms	1.64 gms	
TOTAL CARBOHYDRATES	17.02 gms	18.21 gms	6.07
TOTAL DIETARY FIBER	4.46 gms	4.77 gms	19.09
HFCS SUGARS	1.92 gms	2.05 gms	
FRUCTOSE	0.00 gms		
GLUCOSE	1.31 gms		
SUCROSE	0.00 gms		
MALTOSE	0.61 gms		
LACTOSE	0.00 gms		
COMPLEX CARBOHYDRATES	10.64 gms	11.39 gms	
TOTAL CALORIES	162.27 calories	173.63 calories	
CALORIES FROM FAT	69.03 calories	73.86 calories	
PERCENT CALORIES FROM FAT	42.54 %		
CHOLESTEROL	0.00 mg	0.00 mg	0.00
RETINOL	0.00 iu		
BETA-CAROTENE	21.23 ppm		
VITAMIN A	3524.18 iu	3770.87 iu	75.42
VITAMIN C	1.33 mg	1.42 mg	2.37
SODIUM	245.00 mg	262.15 mg	10.92
IRON	1.47 mg	1.57 mg	8.74
CALCIUM	55.70 mg	59.60 mg	5.96

Caution: Report applies only to sample tested.

Page 1 of 36

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*Thomas J. Hines*  
Thomas J. Hines, President

1205 Industrial Blvd., P.O. Box 514, Southampton, PA 18966-0514 Phone: 215-355-3900 Fax: 215-355-7231

CONFIDENTIAL

DRP0015069



# Analytical Results

02/23/06 01:04pm

Account No: T01103, UNGAR'S FOOD PRODUCTS  
Project No: T01103, UNGAR'S FOOD PRODUCTS

P.O. No:

Inv. No:

Sample Number/Description L1870652-1 DR PRAGER'S ALL NATURAL CALIFORNIA VEGGIE BURGERS 3.75/LBS.  
Rec'd. Date/Time 02/03/06 11:00am  
Method Analysis AOAC  
Serving Size 1 burger (107g)

Parameter	% Fat Basis	Per 100g	Per Serving
CAPROIC (10:0)	0.00	0.00 gms	0.00 gms
CAPRYLIC (8:0)	0.00	0.00 gms	0.00 gms
LACTIC (12:0)	0.00	0.00 gms	0.00 gms
HEXANOIC (14:0)	0.00	0.00 gms	0.00 gms
HEPTANOIC (16:0)	10.96	0.84 gms	0.90 gms
PALMITOLEIC (16:1)	0.00	0.00 gms	0.00 gms
STEARIC (18:0)	4.20	0.32 gms	0.34 gms
OLEIC (CIS) (18:1)	67.18	5.15 gms	5.51 gms
ELAIDIC (TRANS) (18:1)	0.00	0.00 gms	0.00 gms
LINOLEIC (CIS) (18:2)	5.86	0.45 gms	0.48 gms
LINOLELAIDIC (TRANS) (18:2)	0.00	0.00 gms	0.00 gms
LINOLANIC (18:3)	1.30	0.10 gms	0.11 gms
ARACHIDIC (20:0)	1.49	0.11 gms	0.12 gms
EICOSANOIC (20:1)	0.00	0.00 gms	0.00 gms
EICOSADIENOIC (20:2)	0.00	0.00 gms	0.00 gms
BEHENIC (22:0)	0.00	0.00 gms	0.00 gms
ERICIC (22:1)	0.00	0.00 gms	0.00 gms
LIGNOCERIC (24:0)	0.00	0.00 gms	0.00 gms
SATURATED FAT		1.28 gms	1.37 gms
MONOSATURATED FAT		5.15 gms	5.51 gms
POLYUNSATURATED FAT		0.55 gms	0.59 gms
TRANS FAT		0.00 gms	0.00 gms

Caution: Report applies only to sample tested.

Page 2 of 36

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Thomas J. Hines, President

1205 Industrial Blvd., P.O. Box 514, Southampton, PA 18966-0514 Phone: 215-355-3900 Fax: 215-355-7231

CONFIDENTIAL

DRP0015070



## Analytical Results

Sample Number: L1870652-1

DR FRAGER'S ALL NATURAL CALIFORNIA VEGGIE BURGERS 3.75LBS

### Nutrition Facts

Serving Size 1 burger (107g)

Servings Per Container 16

Amount Per Serving

Calories 170

Calories from Fat 70

% Daily Value\*

Total Fat 8g 13%

Saturated Fat 1.5g 7%

Trans Fat 0g

Cholesterol 0mg 0%

Sodium 260mg 11%

Total Carbohydrate 18g 6%

Dietary Fiber 5g 19%

Sugars 2g

Protein 7g

Vitamin A 80%

Vitamin C 2%

Calcium 6%

Iron 8%

\*Percent Daily Values are based on a 2,000 calorie diet.  
Your Daily Values may be higher or lower depending on  
your calorie needs.

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:

Fat 9

Carbohydrate 4

Protein 4

Caution: Report applies only to sample tested.

Page 3 of 36

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Thomas J. Hines, President

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DRP0015071



# Analytical Results

02/23/06 01:04pm

Regarding:

DANIELLE PRAGER  
UNGAR'S FOOD PRODUCTS  
9 BOWMAR PLACE  
ELMWOOD PARK, NJ 07407-2615

DANIELLE PRAGER  
UNGAR'S FOOD PRODUCTS  
9 BOWMAR PLACE  
ELMWOOD PARK, NJ 07407-2615

Account No: T01103, UNGAR'S FOOD PRODUCTS  
Project No: T01103, UNGAR'S FOOD PRODUCTS

P.O. No:

Inv. No:

Sample Number/Description L1870660-1 CALIFORNIA VEGGIE BURGER (SAMPLE 2)  
Rec'd. Date/Time 02/09/06 10:00am  
Method Analysis AOAC  
Serving Size 1 burger (107g)

Parameter	Per 100g	Per Serving	SDV
MOISTURE	68.69 gms	73.50 gms	
PROTEIN KJELDAHL	6.75 gms	7.22 gms	
FAT	5.62 gms	6.01 gms	9.25
SATURATED FAT	1.02 gms	1.09 gms	5.45
MONOSATURATED FAT	4.11 gms	4.40 gms	
POLYUNSATURATED FAT	0.44 gms	0.48 gms	
TRANS FAT	0.04 gms	0.05 gms	
ASH	1.57 gms	1.68 gms	
TOTAL CARBOHYDRATES	17.37 gms	18.59 gms	6.20
TOTAL DIETARY FIBER	4.24 gms	4.54 gms	18.15
HPLC SUGARS	3.10 gms	3.32 gms	
FRUCTOSE	0.79 gms		
GLUCOSE	0.63 gms		
SUCROSE	1.34 gms		
MALTOSE	0.35 gms		
LACTOSE	0.00 gms		
COMPLEX CARBOHYDRATES	10.03 gms	10.73 gms	
TOTAL CALORIES	147.06 calories	157.35 calories	
CALORIES FROM FAT	50.58 calories	54.12 calories	
PERCENT CALORIES FROM FAT	34.39 %		
CHOLESTEROL	0.00 mg	0.00 mg	0.00
RETINOL	0.00 iu		
BETA-CAROTENE	13.85 ppm		
VITAMIN A	2299.10 iu	2460.04 iu	49.20
VITAMIN C	2.43 mg	2.60 mg	4.33
SODIUM	266.00 mg	284.62 mg	11.86
IRON	1.51 mg	1.62 mg	8.98
CALCIUM	63.30 mg	67.73 mg	6.77

Caution: Report applies only to sample tested.

Page 1 of 3  
37 of 34

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Thomas J. Hines, President

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DRP0015072



# Analytical Results

02/23/06 01:04pm

Account No: T01103, UNGAR'S FOOD PRODUCTS  
Project No: T01103, UNGAR'S FOOD PRODUCTS

P.O. No:

Inv. No:

Sample Number/Description L1870660-1 CALIFORNIA VEGGIE BURGER (SAMPLE 2)  
Rec'd. Date/Time 02/09/06 10:00am  
Method Analysis ACNC  
Serving Size 1 burger (107g)

Parameter	% Fat Basis	Per 100g	Per Serving
CAPROIC (10:0)	0.00	0.00 gms	0.00 gms
CAPRYLIC (8:0)	0.00	0.00 gms	0.00 gms
LAURIC (12:0)	0.00	0.00 gms	0.00 gms
MYRISTIC (14:0)	0.00	0.00 gms	0.00 gms
PALMITIC (16:0)	12.10	0.68 gms	0.73 gms
PALMITOLEIC (16:1)	0.00	0.00 gms	0.00 gms
STEARIC (18:0)	4.87	0.27 gms	0.29 gms
OLEIC (CIS) (18:1)	71.57	4.02 gms	4.30 gms
ELAIDIC (TRANS) (18:1)	0.78	0.04 gms	0.05 gms
LINOLEIC (CIS) (18:2)	6.39	0.36 gms	0.38 gms
LINOLELAIDIC (TRANS) (18:2)	0.00	0.00 gms	0.00 gms
LINOLENIC (18:3)	1.52	0.09 gms	0.09 gms
ARACHIDIC (20:0)	0.60	0.03 gms	0.04 gms
EICOSAENOIC (20:1)	1.56	0.09 gms	0.09 gms
EICOSADIENOIC (20:2)	0.00	0.00 gms	0.00 gms
BEHNIC (22:0)	0.56	0.03 gms	0.03 gms
ERIC (22:1)	0.00	0.00 gms	0.00 gms
LIGNOCERIC (24:0)	0.00	0.00 gms	0.00 gms
SATURATED FAT		1.02 gms	1.09 gms
MONOSATURATED FAT		4.11 gms	4.40 gms
POLYUNSATURATED FAT		0.44 gms	0.48 gms
TRANS FAT		0.04 gms	0.05 gms

Caution: Report applies only to sample tested.

Page 2 of 3

380829

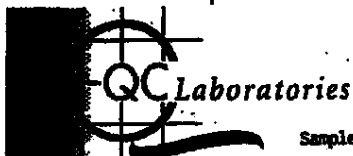
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*Thomas J. Hines*  
Thomas J. Hines, President

1205 Industrial Blvd., P.O. Box 514, Southampton, PA 18966-0514 Phone: 215-355-3900 Fax: 215-355-7231

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DRP0015073



## Analytical Results

Sample Number: L1870660-1

CALIFORNIA VEGGIE BURGER (SAMPLE 2)

### Nutrition Facts

Serving Size 1 burger (107g)

Servings Per Container 16

Amount Per Serving

Calories 160

Calories from Fat 50

% Daily Value\*

Total Fat 6g 9%

Saturated Fat 1g 5%

Trans Fat 0g

Cholesterol 0mg 0%

Sodium 280mg 12%

Total Carbohydrate 19g 6%

Dietary Fiber 5g 18%

Sugars 3g

Protein 7g

Vitamin A 50% Vitamin C 4%

Calcium 6% Iron 8%

\*Percent Daily Values are based on a 2,000 calorie diet.  
Your Daily Values may be higher or lower depending on  
your calorie needs.

		Calories:	2,000	2,500
Total Fat	Less than		65g	80g
Sat Fat	Less than		20g	25g
Cholesterol	Less than		300mg	300mg
Sodium	Less than		2,400mg	2,400mg
Total Carbohydrate			300g	375g
Dietary Fiber			25g	30g

Calories per gram:

Fat 9

Carbohydrate 4

Protein 4

Caution: Report applies only to sample tested.

Page 3 of 3

34 of 34

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CONFIDENTIAL

DRP0015074



# Analytical Results

02/21/06 01:04pm

Regarding:

DANIELLE PRAEGER  
UNGAR'S FOOD PRODUCTS  
9 BOWMAR PLACE  
EDMUND PARK, NJ 07407-2615

DANIELLE PRAEGER  
UNGAR'S FOOD PRODUCTS  
9 BOWMAR PLACE  
EDMUND PARK, NJ 07407-2615

Account No: T01103, UNGAR'S FOOD PRODUCTS  
Project No: T01103, UNGAR'S FOOD PRODUCTS

P.O. No:

Inv. No:

Sample Number/Description L1870652-9 DR PRAEGER'S 12OZ BROCCOLI PANCAKES  
Rec'd. Date/Time 02/03/06 11:00am  
Method Analysis AOAC  
Serving Size 1 pancake (38g)

Parameter	Per 100g	Per Serving	SDV
MOISTURE	71.55 gms	27.19 gms	
PROTEIN KJELDAHL	3.32 gms	1.26 gms	
FAT	8.83 gms	3.36 gms	5.16
SATURATED FAT	0.89 gms	0.34 gms	1.68
MONOSATURATED FAT	6.39 gms	2.43 gms	
POLYUNSATURATED FAT	1.18 gms	0.45 gms	
TRANS FAT	0.05 gms	0.02 gms	
ASH	1.57 gms	0.60 gms	
TOTAL CARBOHYDRATES	14.73 gms	5.60 gms	1.87
TOTAL DIETARY FIBER	1.60 gms	0.61 gms	2.43
HFCS SUGARS	1.03 gms	0.39 gms	
FRUCTOSE	0.00 gms		
GLUCOSE	0.00 gms		
SUCROSE	1.03 gms		
MALTOSE	0.00 gms		
LACTOSE	0.00 gms		
COMPLEX CARBOHYDRATES	12.10 gms	4.60 gms	
TOTAL CALORIES	151.67 calories	57.63 calories	
CALORIES FROM FAT	79.47 calories	30.20 calories	
PERCENT CALORIES FROM FAT	52.40 %		
CHOLESTEROL	0.00 mg	0.00 mg	0.00
RETINOL	0.00 iu		
BETA-CAROTENE	1.59 ppm		
VITAMIN A	263.94 iu	100.30 iu	2.01
VITAMIN C	5.75 mg	2.19 mg	3.64
SODIUM	319.00 mg	121.22 mg	5.05
IRON	0.50 mg	0.19 mg	1.04
CALCIUM	24.90 mg	9.46 mg	0.95

Caution: Report applies only to sample tested.

Page 25 of 36

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*Thomas J. Hines*  
Thomas J. Hines, President

1205 Industrial Blvd., P.O. Box 514, Southampton, PA 18966-0514 Phone: 215-355-3900 Fax: 215-355-7231

CONFIDENTIAL

DRP0015075



# Analytical Results

02/23/06 01:04pm

Account No: T01103, UNGAR'S FOOD PRODUCTS  
Project No: T01103, UNGAR'S FOOD PRODUCTS

P.O. No:

Inv. No:

Sample Number/Description L1870652-9 DR FRAGER'S 12OZ BROCCOLI PANCAKES  
Rec'd. Date/Time 02/03/06 11:00am  
Method Analysis AOAC  
Serving Size 1 pancake (38g)

Parameter	% Fat Basis	Per 100g	Per Serving
CAPROIC (10:0)	0.00	0.00 gms	0.00 gms
CAPRYLIC (8:0)	0.00	0.00 gms	0.00 gms
LAURIC (12:0)	0.00	0.00 gms	0.00 gms
MYRISTIC (14:0)	0.00	0.00 gms	0.00 gms
HEXADECANOIC (16:0)	6.41	0.57 gms	0.22 gms
HEXADECANOIC (16:1)	0.00	0.00 gms	0.00 gms
HEPTADECANOIC (18:0)	3.15	0.28 gms	0.11 gms
OLEIC (CIS) (18:1)	69.40	6.13 gms	2.33 gms
ELAIDIC (TRANS) (18:1)	0.57	0.05 gms	0.02 gms
LINOLEIC (CIS) (18:2)	10.97	0.97 gms	0.37 gms
LINOLELAIDIC (TRANS) (18:2)	0.00	0.00 gms	0.00 gms
LINOLENIC (18:3)	1.00	0.09 gms	0.03 gms
ARACHIDIC (20:0)	0.48	0.04 gms	0.02 gms
EICOSAENOIC (20:1)	2.98	0.26 gms	0.10 gms
EICOSADIENOIC (20:2)	1.43	0.13 gms	0.05 gms
BEHENIC (22:0)	0.00	0.00 gms	0.00 gms
ERUCIC (22:1)	0.00	0.00 gms	0.00 gms
LIGNOCERIC (24:0)	0.00	0.00 gms	0.00 gms
SATURATED FAT		0.89 gms	0.34 gms
MONOSATURATED FAT		6.39 gms	2.43 gms
POLYUNSATURATED FAT		1.18 gms	0.45 gms
TRANS FAT		0.05 gms	0.02 gms

Caution: Report applies only to sample tested.

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Thomas J. Hines, President

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CONFIDENTIAL

DRP0015076



## Analytical Results

Sample Number: L1870652-9

DR. FRAGER'S 120% BROCCOLI PANCAKES

### Nutrition Facts

Serving Size 1 pancake (38g)  
Servings Per Container 9

Amount Per Serving

Calories 60

Calories from Fat 30

% Daily Value\*

Total Fat 3.5g 5%

Saturated Fat 0g 0%

Trans Fat 0g

Cholesterol 0mg 0%

Sodium 120mg 5%

Total Carbohydrate 6g 2%

Dietary Fiber less than 1g 2%

Sugars 0g

Protein 1g

Vitamin A 2%

Vitamin C 4%

Calcium 0%

Iron 2%

\*Percent Daily Values are based on a 2,000 calorie diet.  
Your Daily Values may be higher or lower depending on  
your calorie needs.

		Calories:	2,000	2,500
Total Fat	Less than		65g	80g
Sat Fat	Less than		20g	25g
Cholesterol	Less than		300mg	300mg
Sodium	Less than		2,400mg	2,400mg
Total Carbohydrate			300g	375g
Dietary Fiber			25g	30g

Calories per gram:

Fat 9

Carbohydrate 4

Protein 4

Caution: Report applies only to sample tested.

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DRP0015077



# Analytical Results

02/23/06 01:04pm

DANIELLE PRAGER  
UNGAR'S FOOD PRODUCTS  
9 BOUMAR PLACE  
ELMWOOD PARK, NJ 07407-2615

Regarding:

DANIELLE PRAGER  
UNGAR'S FOOD PRODUCTS  
9 BOUMAR PLACE  
ELMWOOD PARK, NJ 07407-2615

Account No: T01103, UNGAR'S FOOD PRODUCTS  
Project No: T01103, UNGAR'S FOOD PRODUCTS

P.O. No:

Inv. No:

Sample Number/Description L1870652-10 DR PRAGER'S 120Z SPINACH PANCAKES  
Rec'd. Date/Time 02/03/06 11:00am  
Method Analysis AOMC  
Serving Size 1 pancake (38g)

Parameter	Per 100g	Per Serving	10V
MOISTURE	69.15 gms	26.28 gms	
PROTEIN KJELDAHL	3.46 gms	1.31 gms	
FAT	9.25 gms	3.52 gms	5.41
SATURATED FAT	0.71 gms	0.27 gms	1.36
MONOSATURATED FAT	6.04 gms	2.30 gms	
POLYUNSATURATED FAT	2.51 gms	0.95 gms	
TRANS FAT	0.00 gms	0.00 gms	
ASH	1.74 gms	0.66 gms	
TOTAL CARBOHYDRATES	16.40 gms	6.23 gms	2.08
TOTAL DIETARY FIBER	1.70 gms	0.65 gms	2.58
HFCC SUGARS	0.61 gms	0.23 gms	
FRUCTOSE	0.61 gms		
GLUCOSE	0.00 gms		
SUCROSE	0.00 gms		
MALTOSE	0.00 gms		
LACTOSE	0.00 gms		
COMPLEX CARBOHYDRATES	14.09 gms	5.35 gms	
TOTAL CALORIES	162.69 calories	61.82 calories	
CALORIES FROM FAT	83.25 calories	31.64 calories	
PERCENT CALORIES FROM FAT	51.17 %		
CHOLESTEROL	0.00 mg	0.00 mg	0.00
RETINOL	0.00 iu		
BETA-CAROTENE	15.60 ppm		
VITAMIN A	2589.60 iu	984.05 iu	19.68
VITAMIN C	6.61 mg	2.51 mg	4.19
SODIUM	340.00 mg	129.20 mg	5.38
IRON	0.74 mg	0.28 mg	1.56
CALCIUM	50.40 mg	19.15 mg	1.92

Caution: Report applies only to sample tested.

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DRP0015078



# Analytical Results

02/23/06 01:04pm

Account No: T01103, UNGAR'S FOOD PRODUCTS  
Project No: T01103, UNGAR'S FOOD PRODUCTS

P.O. No:

Inv. No:

Sample Number/Description L1870652-10 DR PRAGER'S 12OZ SPINACH PANCAKES  
Rec'd. Date/Time 02/03/06 11:00am  
Method Analysis NCAC  
Serving Size 1 pancake (36g)

Parameter	% Fat Basis	Per 100g	Per Serving
CAPRIC (10:0)	0.00	0.00 gms	0.00 gms
CAPRYLIC (8:0)	0.00	0.00 gms	0.00 gms
LAURIC (12:0)	0.00	0.00 gms	0.00 gms
MYRISTIC (14:0)	0.00	0.00 gms	0.00 gms
PALMITIC (16:0)	4.79	0.44 gms	0.17 gms
PALMITOLEIC (16:1)	0.00	0.00 gms	0.00 gms
STEARIC (18:0)	2.19	0.20 gms	0.08 gms
OLEIC (CIS) (18:1)	64.02	5.92 gms	2.25 gms
ELAIDIC (TRANS) (18:1)	0.00	0.00 gms	0.00 gms
LINOLEIC (CIS) (18:2)	19.03	1.76 gms	0.67 gms
LINOLELAIDIC (TRANS) (18:2)	0.80	0.00 gms	0.00 gms
LINOLENIC (18:3)	8.06	0.75 gms	0.28 gms
ARACHIDIC (20:0)	0.74	0.07 gms	0.03 gms
EICOSAENOIC (20:1)	1.29	0.12 gms	0.05 gms
EICOSAIDENOIC (20:2)	0.00	0.00 gms	0.00 gms
BEHENIC (22:0)	0.00	0.00 gms	0.00 gms
ERICIC (22:1)	0.00	0.00 gms	0.00 gms
LIGNOCERIC (24:0)	0.00	0.00 gms	0.00 gms
SATURATED FAT		0.71 gms	0.27 gms
MONOSATURATED FAT		6.04 gms	2.30 gms
POLYUNSATURATED FAT		2.51 gms	0.95 gms
TRANS FAT		0.00 gms	0.00 gms

Caution: Report applies only to sample tested.

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DRP0015079



## Analytical Results

Sample Number: L1870652-10

DR FRABGER'S 120Z SPINACH PANCAKES

### Nutrition Facts

Serving Size 1 pancake (38g)

Servings Per Container 9

Amount Per Serving

Calories 60      Calories from Fat 30

% Daily Value\*

Total Fat 3.5g      5%

Saturated Fat 0g      0%

Trans Fat 0g

Cholesterol 0mg      0%

Sodium 130mg      5%

Total Carbohydrate 6g      2%

Dietary Fiber less than 1g      3%

Sugars 0g

Protein 1g

Vitamin A 20%      Vitamin C 4%

Calcium 2%      Iron 2%

\*Percent Daily Values are based on a 2,000 calorie diet.  
Your Daily Values may be higher or lower depending on  
your calorie needs.

		Calories:	2,000	2,500
Total Fat	Less than	65g	80g	
Sat Fat	Less than	20g	25g	
Cholesterol	Less than	300mg	300mg	
Sodium	Less than	2,400mg	2,400mg	
Total Carbohydrate		300g	375g	
Dietary Fiber		25g	30g	

Calories per gram:

Fat 9      Carbohydrate 4      Protein 4

Caution: Report applies only to sample tested.

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DRP0015080

## Proposed Order

TROUTMAN SANDERS LLP  
David J. Sheehan (DS 4818)  
Clement H. Berne (CB 3579)  
The Legal Center  
One Riverfront Plaza  
Newark, New Jersey 07102  
(973) 645-0772

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ALEXANDRIA ELIAS, ROXANNE SCHER,  
DOLORES BAEZ and JENNIFER TOSI,  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,

-against-

UNGAR'S FOOD PRODUCTS, INC.,  
d/b/a DR. PRAEGER'S SENSIBLE FOODS  
and SENSIBLE FOODS LLC d/b/a,  
DR. PRAEGER'S SENSIBLE FOODS,

Defendants.

Civil Action No.:  
2:06-cv-02448-KSH-PS

ORDER

THIS MATTER having come before the Court on July 9, 2007; and the Court having considered the submissions of the parties, heard the arguments of counsel, and having found that the requirements of Rule 23 of the Federal Rules of Civil Procedure are satisfied, and for good cause shown;

IT IS ON THIS \_\_\_\_\_ day of \_\_\_\_\_, 2007, Ordered that

1. The class consisting of:

All persons in the United States (the fifty states and the District of Columbia) who purchased Dr. Praeger's California Veggie Burgers, Tex-Mex Veggie Burgers,

Broccoli Pancakes, Potato Pancakes and Spinach Pancakes during the period beginning on May 30, 2000 and ending on the date this Order is entered, excluding defendants, their parent, subsidiary and affiliated entities, any entity controlled by defendants, and the officers, directors, agents and employees of the foregoing entities and their immediate families,

is hereby certified under Rule 23 of the Federal Rules of Civil Procedure;

2. Plaintiffs Alexandria Elias, Roxanne Scher, Dolores Baez and Jennifer Tosi are hereby appointed as representatives of the Class certified by this Order;
3. The law firm of Troutman Sanders LLP is hereby appointed as Class Counsel;
4. Notice to the Class shall be disseminated in accordance with a Notice Program to be submitted by Class Counsel within 30 days of the date of this Order for the Court's approval.

SO ORDERED,

---

Honorable Katherine S. Hayden, U.S.D.J.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

-----X  
ALEXANDRIA ELIAS, ROXANNE SCHER,  
DOLORES BAEZ and JENNIFER TOSI,  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,

- against -

UNGAR'S FOOD PRODUCTS, INC.  
d/b/a DR. PRAEGER'S SENSIBLE FOODS  
and SENSIBLE FOODS LLC d/b/a,  
DR. PRAEGER'S SENSIBLE FOODS.

Defendants.  
-----X

: AFFIDAVIT OF SERVICE  
E-FILED

: Civil Action No.:  
2:06-cv-02448-KSH-PS

:

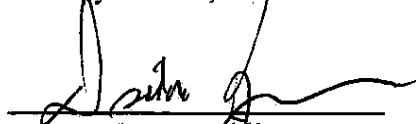
STATE OF NEW YORK     )  
                                      : SS.  
COUNTY OF NEW YORK    )

Sarah Harris-Finkel being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside in Richmond County, New York. On June 28, 2007, I served a copy of a Notice of Motion, Declaration of Matthew J. Aaronson in Support of Plaintiff's Motion for Class Certification with Exhibits and Proposed Order by posting such documents electronically to the ECF website of the United States District Court for the District of New Jersey on all registered ECF parties in the action.

  
Sarah Harris-Finkel

Sworn to before me this  
28<sup>th</sup> day of June, 2007

  
Notary Public

ISIDORE ZIMMERMAN  
Notary Public, State of New York  
No. 4505754  
Qualified in Rockland County  
Certificate Filed in New York County  
Commission Expires July 31, 2009